

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ALEXANDER A. OYENUGA,)	
)	
Petitioner)	
)	Civil Action No.
v.)	05cv10170-PBS
)	
ATTORNEY GENERAL JOHN ASHCROFT,)	
ET AL.,)	
)	
Respondent)	

RESPONDENT'S REPLY TO PETITIONER'S RESPONSE AND
OPPOSITION TO RESPONDENT'S MOTION TO DISMISS

Respondent¹ seeks leave of Court to reply to Petitioner's Response and Opposition to Respondent's Motion to Dismiss ("Petitioner's Response").

Petitioner's reference to 8 U.S.C. § 2241(d) as suggesting concurrent habeas corpus jurisdiction in the district of Massachusetts and a district in Louisiana is misplaced. Petitioner's Response, p.4. Section 2241(d) clearly refers to the circumstance where there are two or more separate judicial districts within a single state. Moreover, petitioner's custody is not "under the judgment and sentence of a State court", but rather is as a result of his final administrative order of removal. Finally, petitioner fails to answer or otherwise

¹ See 28 U.S.C. § 517 (providing for the appearance of the Department of Justice "to attend to the interests of the United States in a suit pending in a court of the United States").

contradict the plainly dispositive application of Vasquez v. Reno, et al., 233 F.3d 688, 690 (1st Cir. 2000) to his case.

CONCLUSION

For all the reasons set out above, the Court should dismiss this case and deny all other relief sought.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: s/Frank Crowley
FRANK CROWLEY
Special Assistant U.S. Attorney
Department of Homeland Security
P.O. Box 8728
J.F.K. Station
Boston, MA 02114
(617) 565-2415

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon pro se petitioner by mail on February 23, 2005.

s/Frank Crowley
FRANK CROWLEY
Special Assistant U.S. Attorney
Department of Homeland Security
P.O. Box 8728
J.F.K. Station
Boston, MA 02114